

STATE OF TENNESSEE

Office of the Attorney General



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Reply to:
Consumer Advocate and Protection Division
Post Office Box 20207
Nashville, TN 37202

September 5, 2003

Honorable Deborah Taylor Tate
Chairman
Tennessee Regulatory Authority
460 James Robertson Parkway
Nashville, Tennessee 37243

IN RE: SPRINT UNITED TARIFF 2003-710 TO INTRODUCE SAFE AND SOUND II
SOLUTION

DOCKET NO. 03-00442

Dear Chairman Tate:

Enclosed is an original and thirteen copies of Consumer Advocate and Protection Division's Petition to Intervene in the Sprint United Tariff 2003-710 to Introduce Safe and Sound II Solution file same in this docket. Copies are being sent to all parties of record. If you have any questions, kindly contact me at (615) 741-8733. Thank you.

Sincerely,

Vance L. Broemel
VANCE L. BROEMEL
Assistant Attorney General

cc: All Parties of Record

#66649

**IN THE TENNESSEE REGULATORY AUTHORITY
NASHVILLE, TENNESSEE**

IN RE:)
)
SPRINT UNITED TARIFF 2003-710 TO) DOCKET NO. 03-00442
INTRODUCE SAFE AND SOUND II)
SOLUTION)

PETITION TO INTERVENE

Comes Paul G. Summers, the Attorney General for the State of Tennessee, through the Consumer Advocate and Protection Division of the Office of the Attorney General (hereinafter "Consumer Advocate "), pursuant to Tenn. Code Ann. § 65-4-118(c)(2)(A), and petitions to intervene in this docket on behalf of the public interest because consumers may be adversely affected by the proposed tariff because it seeks to exempt certain telecommunications services from the resale requirements of the federal Telecommunications Act of 1996 without setting forth any valid reasons for such exemption. For cause, the Petitioner would show as follows:

1. The Consumer Advocate is authorized by Tenn. Code Ann. § 65-4-118 (c)(2)(A) to initiate a contested case, and participate or intervene in proceedings to represent the interests of Tennessee consumers in accordance with the Uniform Administrative Procedures Act ("UAPA").
2. Sprint/United Telephone Southeast, Inc. ("Sprint United") is an incumbent Local Exchange Company operating in the State of Tennessee , regulated by the Tennessee Regulatory Authority ("TRA"), and offering telecommunications services to Tennessee consumers.
3. The present docket, Docket No. 03-00442, involves a tariff for a service known as Safe and Sound II Solution intended to be used with products that work to maintain the wiring and

telephone equipment inside a customer's home (see letter of July 14, 2003 from Sprint United to Darlene Standley of the TRA).

4. In a letter dated July 24, 2003 from Sprint United to the TRA regarding the issue of whether the Safe and Sound product was subject to resale, Sprint United took the following position:

The inside wire and CPE maintenance products in the bundle are deregulated. Sprint's position is that it is not obligated to offer non-regulated services for resale. Since the bundled offering includes non-regulated services or products, Sprint is therefore not obligated to offer any portion of the offering for resale.

5. The federal Telecommunications Act of 1996 "requires incumbent LECs [such as Sprint United] to offer at "wholesale rates" any telecommunications services that the carrier provides at retail to subscribers who are not telecommunications carriers." FCC Order 96-325 at Paragraph 878. See also 47 U.S.C. § 251(c)(4) (2001). Sprint United has set forth no statutory authority for exempting the subject service from the Act, nor has Sprint United offered any authority for the position that "non-regulated" services are not subject to resale.

6. Furthermore, Sprint United has not offered any state or federal authority for the position that bundling a product which is subject to resale with a product which is not subject to resale exempts the bundled product.

7. Accordingly, the TRA should not approve the proposed tariff.

8. Only by intervening and participating in this proceeding can the Consumer Advocate work to protect the public interest.

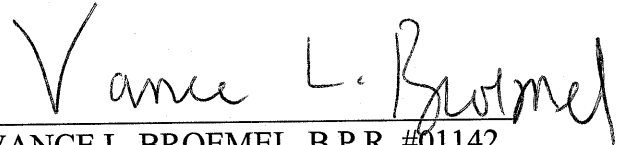
Wherefore, the Petitioner prays the Authority to grant its Petition to Intervene and convene a contested case, and grant such other relief as may be appropriate.

RESPECTFULLY SUBMITTED,



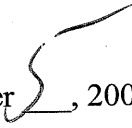
PAUL G. SUMMERS, B.P.R. #6285

Attorney General
State of Tennessee



VANCE L. BROEMEL, B.P.R. #01142

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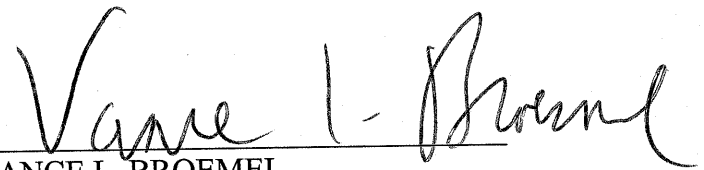
Dated: September , 2003

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing was served via hand delivery or facsimile on September 5 2003

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